

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID E. EDWARDS,

Plaintiff,

v.

M. KUERSTEN, et al.,

Defendants.

No. 2:21-cv-00259-DAD-EFB (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, DISMISSING THIS  
ACTION, AND TERMINATING ALL  
PENDING MOTIONS

(Doc. Nos. 57, 61, 63)

Plaintiff David E. Edwards, a state prisoner proceeding *pro se*, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 11, 2025, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed and that all pending motions be terminated. (Doc. No. 63.) Specifically, the magistrate judge acknowledged that on October 21, 2024, a suggestion of plaintiff's death had been filed upon the record<sup>1</sup> and that pursuant to Rule 25 of the Federal Rule of Civil Procedure, a motion for substitution of a proper party must be made no later than ninety days after the death is suggested upon the record but that no such motion had been filed. (*Id.*)

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<sup>1</sup> The notice of plaintiff's passing was filed with this court by a Jonathan Edwards. (Doc. No. 62.)

1 The pending findings and recommendations were served on the parties and contained  
2 notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at  
3 4.) No objections to the findings and recommendations have been filed and the time in which to  
4 do so has passed. Moreover, no motion for substitution of a proper party has been received and  
5 as noted in the findings and recommendations the time in which to do so has also passed.

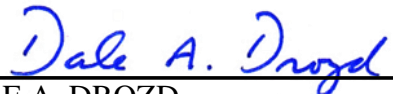
6 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this  
7 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the  
8 court finds the findings and recommendations to be supported by the record and by proper  
9 analysis.

10 Accordingly:

- 11 1. The February 11, 2025 findings and recommendations (Doc. No. 63) are  
12 ADOPTED in full;
- 13 2. This action is DISMISSED;
- 14 3. All motions pending in this case (Doc. Nos. 57, 61) are hereby TERMINATED in  
15 light of this order of dismissal; and
- 16 4. The Clerk of the Court is directed to CLOSE this case.

17 IT IS SO ORDERED.

18 Dated: February 28, 2025

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20 DALE A. DROZD  
21 UNITED STATES DISTRICT JUDGE  
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